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December 23, 1997

EX PARTE PRESENTATION

BY HAND DELIVERY

Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No. 95-155 -- Toll Free Service Access Codes

Dear Ms. Salas:

Yesterday and earlier today, the undersigned counsel, on behalf of TLDP Communications, Inc., made an ex parte presentation to the staff of Chairman Kennard to discuss toll free access code issues covered in CC Docket No. 95-155.

An original and copy of this letter, together with a copy of the handout distributed at this meeting, are submitted herewith. Should any questions arise concerning this filing, please contact the undersigned counsel.

Sincerely,



Eric Fishman

Counsel to

TLDP Communications, Inc.

Attachment

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

TLDP Communications, Inc.  
Ex Parte Communicaton

Hundreds of Thousands of Service Subscribers Use Multiple 800 Numbers

The application of the "rebuttable presumption" rule will have consequences which TLDP believes the Commission could not possibly have intended. TLDP's experience is that, with the exception of the very smallest businesses, most businesses today use more than one 800 number and many of the nation's largest businesses use hundreds or even thousands of numbers. A few examples of situations in which TLDP has encountered subscribers using multiple 800 numbers include:

1. Different 800 numbers for different departments -- e.g., sales, marketing, accounts receivable, customer service.
2. Different 800 numbers for different applications -- e.g., orders, information, catalogue requests, or customer service.
3. Different 800 numbers for internal and external use -- customers call on one number, employees out of the office call on another.
4. Different 800 numbers for different locations of a single business -- these are frequently billed on a single invoice and, therefore, considered a single subscriber by the service provider.
5. Separate 800 numbers for facsimile machines -- this is becoming increasingly prevalent in sales departments in particular.
6. Separate 800 numbers for electronic mail servers -- TLDP recommends to all its customers that they establish 800 numbers for their electronic mail servers, to avoid credit card and hotel surcharges for employees with laptops who access the servers while traveling.
7. Separate 800 numbers for remote LAN access -- same considerations as apply to electronic mail servers.
8. Separate 800 numbers for individual salesmen or customer service representatives -- avoids the cost, and wasted time, of routing calls through switchboards or ACDs, improving customer service by reducing delays in

establishing a call connection; and

9. Multiple 800 numbers as a result of mergers and acquisitions -- the general practice is not to relinquish 800 numbers in such situations. Otherwise, customers unaware of the change may be unsuccessful in their efforts to contact the company which does not retain its name.

These are not exceptional situations. To the contrary, the routing of multiple 800 numbers to a single service subscriber has become a norm in all but the very smallest businesses, and is even becoming prevalent in one person operations (e.g., separate 800 numbers to access a computer or fax machine for taking orders). Moreover, there are probably hundreds of thousands of cases in which multiple 800 numbers are routed to a single 10 digit telephone number:

1. All of the major carriers offer a service which allows the subscriber to identify the 800 number dialed and route the calls accordingly. DID trunks have been used for decades to accomplish the same objective with non-800 numbers. One application of such a system is to give each attorney in a law firm a separate 800 number to access their voice mail. The attorney's call can be routed directly to his mailbox quickly and efficiently (even if there are only two minutes left before a flight) without having to pull out a calling card or go through a voice response system.
2. For marketing purposes, many companies use different phone numbers for each major campaign. They are then able to track the effectiveness of their advertising or other marketing efforts by reviewing the call records for the particular 800 number. By exempting telemarketing firms from the application of the presumption, the Commission implicitly recognized the validity of this practice when performed by a third party. It is no less legitimate when performed by the business itself.
3. It is not uncommon for more than one company to share an office or building, with a single receptionist serving all of the companies involved. In such situations, several different subscribers frequently route 800 service to a single 10 digit phone number.
4. In recent years, many firms have obtained "vanity" 800 numbers for marketing purposes. In such situations, an existing 800 number is usually

not disconnected, because the business does not want to take the risk of losing the occasional call from customers who have the old number on a label attached to a product or an instruction manual.

5. Start-up businesses frequently order several 800 numbers, corresponding to different products or divisions within the firm. While, initially, all of the 800 numbers are routed to the same telephone number (or receptionist), multiple numbers are ordered to avoid the cost and confusion of introducing new numbers as the firm grows.

The preceding are simply a sampling of the dozens of types of situations in which multiple 800 numbers are legitimately routed to a single service subscriber or 10 digit telephone number. To impose a presumption that businesses engaged in any such conduct (with the exception of telemarketing firms) are acting illegally, subject to civil and criminal sanctions, is not in the interest of service providers or their subscribers, nor will it achieve the objectives the Commission has set out in its Second Report and Order. If anything, it is likely to be an invitation to selective enforcement and other anti-competitive behavior by facilities-based carriers.